

PLANNING COMMISSION REPORT



MEETING DATE: February 22, 2006

ITEM NO. _____

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT Performance Enhancement Professionals Health Studio - 19-UP-2005

REQUEST Request to approve a conditional use permit for a health studio in an existing 3199+/- square foot suite located at 9319 N. 94th Way #200 with Industrial Park, Planned Community District zoning.

Key Items for Consideration:

- Site located in I-1 (Industrial Park District) zoning, requires Conditional Use Permit for a health studio
- Gymnasium (limited to gymnastics training) is allowed in I-1 zoning
- I-1 zoning allows uses that generate noise
- Opposition due to noise

OWNER Jim Keeley
480-596-9000

APPLICANT CONTACT Seth Friedman
Ian Danney
602-499-8383

LOCATION 9319 N. 94th Way Suite 200

BACKGROUND

Zoning.

The site is zoned I-1 (Industrial Park District) with PCD (Planned Community District) overlay. The I-1 district allows for manufacturing, processing, research and development, municipal airport and aeronautical activities and complementary wholesale, warehouse, office types of use. The health studio proposed requires a conditional use permit in this zoning district.

General Plan.

The General Plan Land Use Element designates the property as "Employment". This category includes a range of employment uses including light manufacturing to light industrial and office uses.

Context.

The site is a condominium space in the McCormick Ranch Commerce Center industrial park subdivision. Located within this industrial park (but not in this tenant space) are a variety of uses including office, office/warehouse, gymnastics training, contractors, machine shop, and electronic component manufacturing.



Adjacent Uses and Zoning:

- North Real estate management office, I-1 PCD (Industrial Park District, Planned Community District)
- South Corporate office of automotive service, I-1 PCD (Industrial Park District, Planned Community District)
- East Office/warehouse, I-1 PCD (Industrial Park District, Planned Community District)
- West Office/warehouse, I-1 PCD (Industrial Park District, Planned Community District)

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

The applicant has been operating a health studio at this location since June 2003. Although the City approved a business license to operate, the property does not have the requisite Conditional Use Permit. In response to a Notice of Violation, the applicant is seeking this Conditional Use Permit for the health studio.

Development Information.

- Existing Use: Health Studio
- Buildings/Description: Office/warehouse condominium space within larger condominium building.
- Floor Area: 3,199 square feet

IMPACT ANALYSIS

Traffic.

The site is located on 94th Way in the McCormick Ranch Commerce Center. The commercial subdivision has access to Via Linda, a minor arterial, at 94th Street and 95th Street. The area also has signalized access to Via Linda at San Salvador. The streets that serve this commercial center, including 94th Street, are local commercial streets. The proposed health studio is estimated to generate approximately 30 to 70 trips per day, and therefore will not adversely impact the surrounding street system.

Parking.

Adequate parking is provided in accordance with the Zoning Ordinance throughout this commercial office warehouse complex.

Water/Sewer.

This request does not propose new construction. The existing development is already served with sewer and water. No service deficiencies have been identified.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this

conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **This use does not typically generate smoke, odor, dust, vibration, or illumination.**
 - **Noise.**
 - a. **Typical noises associated with a health studio use include weight and exercise equipment clatter, athlete emotive outbursts, and amplified music/television.**
 - b. **Some allowed uses in the I-1 district generate noise. The uses in the I-1 district that are identifiable as generating noise include: machine shops, ornamental metal working, sheet metal assembling or fabricating, sign manufacturing, contractor/general/subcontractor, gymnasium (limited to gymnastics training), municipal uses such as a vehicle maintenance facility, and wholesale or warehouse operations at which forklifts with safety beepers are used. Within this office warehouse complex there is a machine shop.**
 - c. **The building within which the health studio is located was constructed as an office/warehouse for future tenant/owner occupancy. The original construction placed office use in the front ¼ of the suite and warehouse space in the remaining ¾ of the suite. See the McCormick Ranch Commerce Center Suites Plan by Colliers Classic, Attachment #12. Suite #200 is the proposed Health Studio site and this suite is improved with its lobby, office, and a stretching room in the front ¼ and the weight training and other health studio elements in the back ¾ area. The back ¾ area is where noise occurs.**
 - d. **The adjacent suites are office uses. Suite 100 has offices throughout its space and along its common wall with Suite 200. At the rear ¼ area of Suite 100 along the common wall with Suite 200 is a garage like storage space. Suite 300 also has offices throughout its space and along its common wall with Suite 200. At the front of this common wall there is a small storage space.**
 - e. **Site inspection revealed that the sound of music was audible in both Suite 100 and 300 from Suite 200, but only when the sound system was set at high volume levels and the primary impact of the noise was in the space originally designated as warehouse space.**
 - f. **A large office typically generates noise of 50-decibels while a smaller office has noise at the 40 decibel. Stipulations require noise containment measures be taken to assure noise decibel levels of not greater than 45 decibels.**
2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **This use does not generate an unusual volume or character of traffic and therefore does not negatively affect traffic in this vicinity.**

3. There are no other factors associated with this project that will be materially detrimental to the public.
 - **These types of small health studios typically have no other impacts.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **The proposed use is compatible with the uses permitted in the I-1 zoning district that surrounds this site. These permitted uses include offices, research and development laboratories, manufacturing and processing, contractors, and other like activities.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

There are no additional conditions specified in Section 1.403.

Community Involvement.

The applicant completed their community outreach by individually meeting with the condominium suite occupants to explain the Use Permit request.

The adjacent Suite 300 occupant has voiced concerns about the noise emanating from the Suite 200. Specific concerns are very loud music and clanging weights, which negatively affect the office operations to the extent that it is difficult to conduct typical office business activities. In response, the applicant hired a contractor to evaluate methods to lessen the noise impact. The recommended method of “hard lid” construction that includes rubber coating of steel beams, and installation of drywall. At this time, no corrective action has been taken to lessen the noise impact.

Other community input demonstrates noise from other uses in this development. These include adjacent suites being able to hear walking on hardwood floors and noise from a machine shop. In addition, the owner of property at 9420 E. Doubletree Ranch Road, Suite 102 and 103, located about one block from the subject site, report “the deep base sound of music...so loud the doors and windows shake.”

Community Impact.

This proposal will provide another health studio service for the community.

STAFF
RECOMMENDATION

RESPONSIBLE
DEPT(S)

STAFF CONTACT(S)

Recommended Approach:

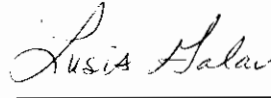
Staff recommends approval, subject to the attached stipulations.

Planning and Development Services Department
Current Planning Services

Kira Wauwie, AICP
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY


Kira Wauwie, AICP
Report Author


Lusia Galav, AICP
Current Planning Director

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Trip Generation
7. Parking Analysis
8. Citizen Involvement
9. Correspondence
10. City Notification Map
11. Site Plan
12. Suites Plan
13. Floor Plan



Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 6-30-05

Project No.: 467-PA-2005

Coordinator: KIRA WAWWICZ

Case No.: _____

Project Name: PERFORMANCE

Project Location: 9319 N. 94TH Way #200 SCOTTSDALE, AZ 85258

Property Details:

☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Industrial

Current Zoning: I-1 Proposed Zoning: I-1

Number of Buildings: 1 Parcel Size: _____

Gross Floor Area/Total Units: _____ Floor Area Ratio/Density: _____

Parking Required: _____ Parking Provided: _____

Setbacks: N - _____ S - _____ E - _____ W - _____

Description of Request:

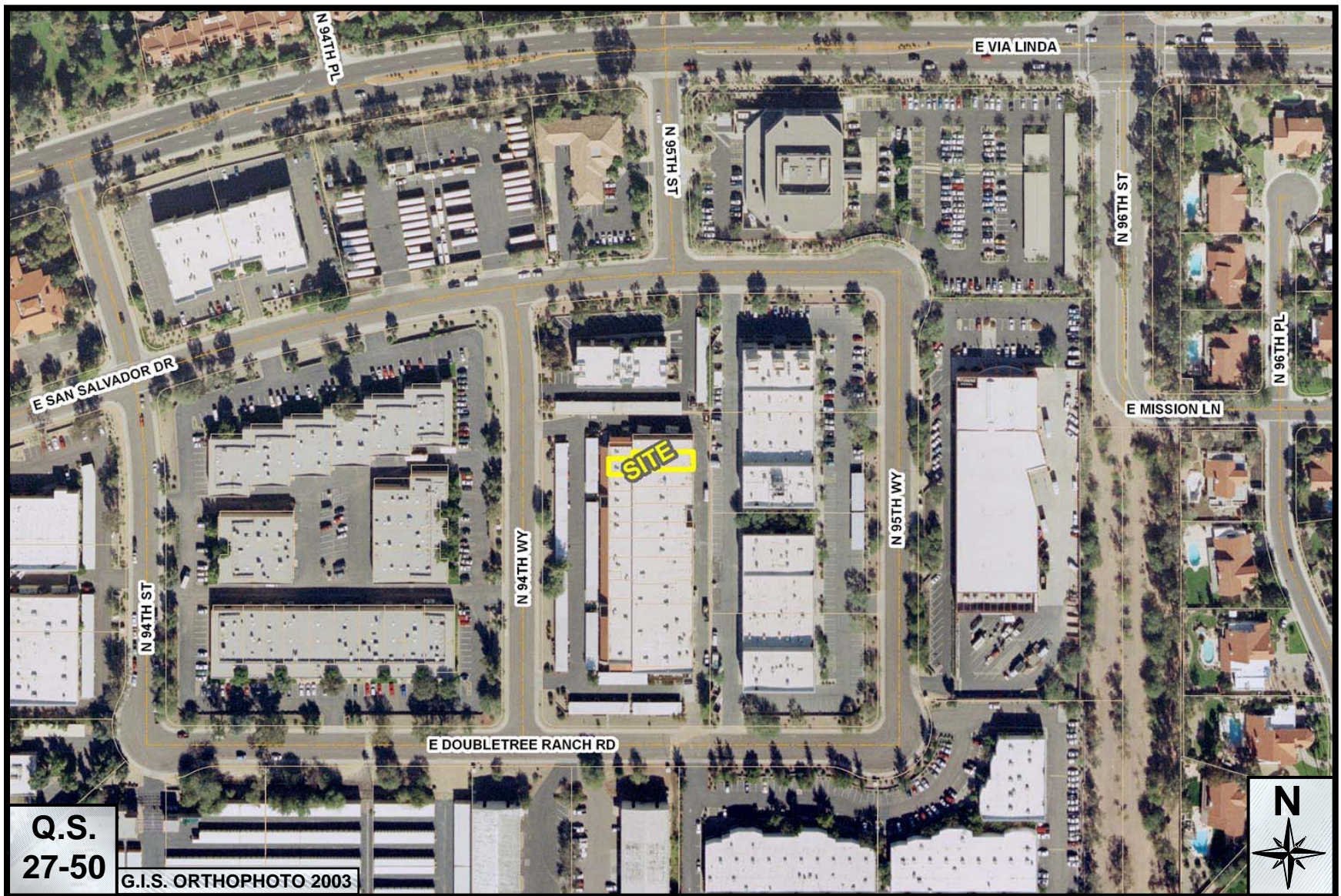
Performance Enhancement Professionals Inc. is a full service speed, strength and conditioning complex. It is home to serious competitive athletes who desire to achieve maximum fitness levels and outstanding sporting results. The founder, Ian Danney is internationally recognized for his work in the areas of speed development and peak performance. He has worked, lectured and studied across his native country of Canada as well as across USA, Germany, France, Japan, Great Britain, Norway, Italy and Russia. PEP' clients include players from all four major professional leagues as well as summer and winter Olympians from over a dozen countries.

Training at the facility includes weight lifting, plyometrics, dynamic strength training and running exercises and drills. Approximately half of the training is composed of field work which is carried out off site. PEP has only one employee at this time. Our number of clients varies with the competitive season of various sports. This number can range from a low of 4 to a high of 14 at anyone time with an approximate number of about 20 different ones throughout a calendar year.

ATTACHMENT #1

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



Performance Enhancement Professionals

19-UP-2005

ATTACHMENT #2



Q.S.
27-50

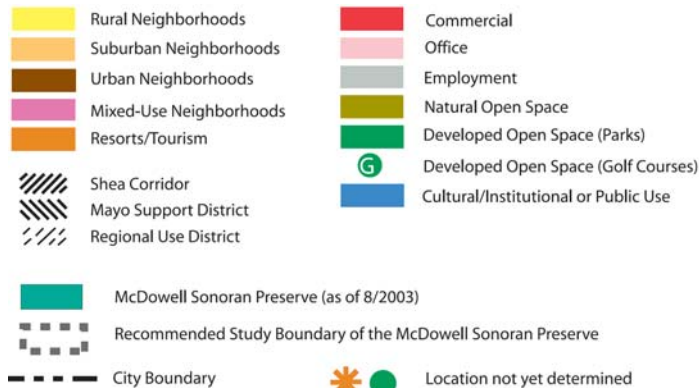
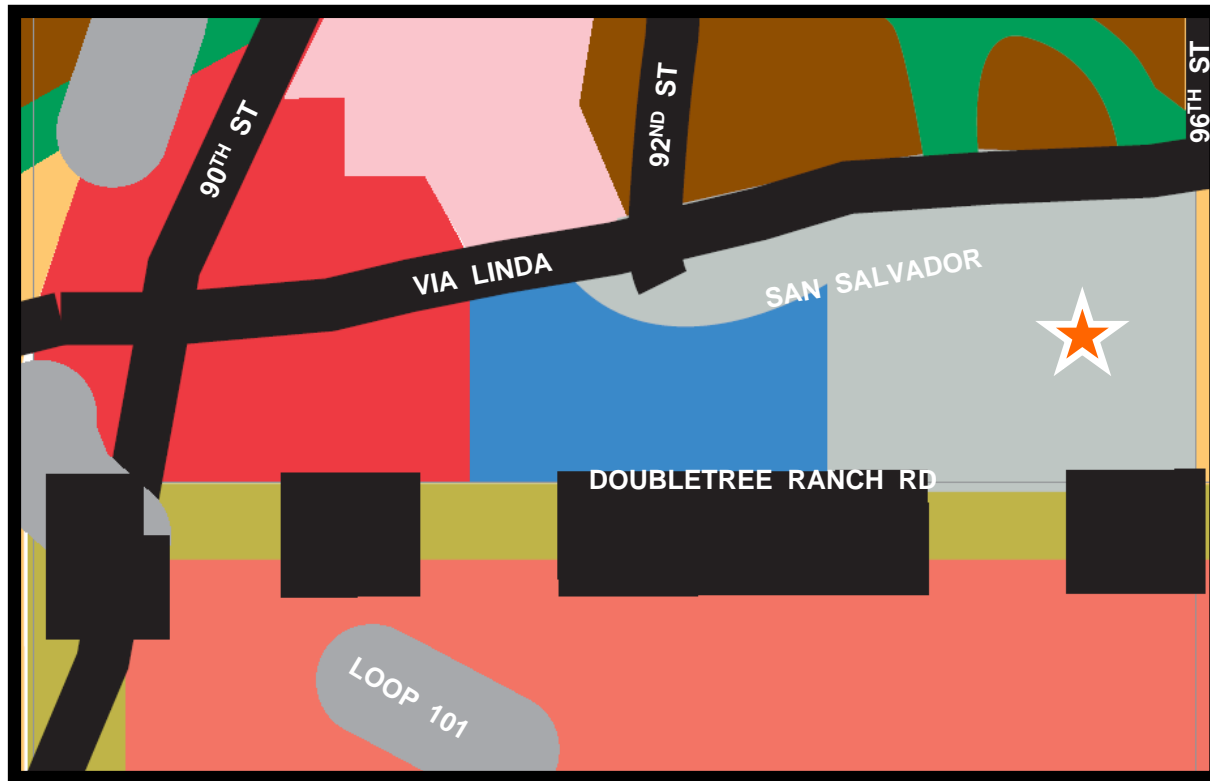
G.I.S. ORTHOPHOTO 2003

Performance Enhancement Professionals

19-UP-2005

ATTACHMENT #2A

General Plan



19-UP-2005
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004

Zoning Map



STIPULATIONS FOR CASE 19-UP-2005

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO FLOOR PLAN.** Development shall be in substantial conformance with the floor plan submitted by the applicant and dated 8/30/05. These stipulations take precedence over the above-referenced floor plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **OPERATION TO BE CONDUCTED INDOORS.** All activities associated with this use shall be conducted solely within the confines of the existing building. No outdoor activities shall be permitted.
3. **NOISE CONTAINMENT.** Within sixty (60) days of the effective date of this Conditional Use Permit, the applicant shall insulate the suite to insure that noise generated by this use is not greater than 45 decibels in the adjacent office suite.

Performance Enhancement Professionals - Trip Generation Comparison (Based on Future Expectations)

<u>Days</u>	<u>Hours</u>	<u>Trips</u>
Monday	8 am - 9 am	6
Monday	9 am - 10 am	6
Monday	10 am - 11 am	6
Monday	11 am - 12 pm	6
Monday	12 pm - 1 pm	6
Monday	1 pm - 2 pm	6
Monday	2 pm - 3 pm	8
Monday	3 pm - 4 pm	8
Monday	4 pm - 5 pm	6
Monday	5 pm - 6 pm	6
Monday	6 pm - 7 pm	6
Tuesday	8 am - 9 am	6
Tuesday	9 am - 10 am	6
Tuesday	10 am - 11 am	6
Tuesday	11 am - 12 pm	6
Tuesday	12 pm - 1 pm	6
Tuesday	1 pm - 2 pm	6
Tuesday	2 pm - 3 pm	8
Tuesday	3 pm - 4 pm	8
Tuesday	4 pm - 5 pm	6
Tuesday	5 pm - 6 pm	6
Tuesday	6 pm - 7 pm	6
Wednesday	8 am - 9 am	6
Wednesday	9 am - 10 am	6
Wednesday	10 am - 11 am	6
Wednesday	11 am - 12 pm	6
Wednesday	12 pm - 1 pm	6
Wednesday	1 pm - 2 pm	6
Wednesday	2 pm - 3 pm	8
Wednesday	3 pm - 4 pm	8
Wednesday	4 pm - 5 pm	6
Wednesday	5 pm - 6 pm	6
Wednesday	6 pm - 7 pm	6
Thursday	8 am - 9 am	6
Thursday	9 am - 10 am	6
Thursday	10 am - 11 am	6
Thursday	11 am - 12 pm	6
Thursday	12 pm - 1 pm	6
Thursday	1 pm - 2 pm	6
Thursday	2 pm - 3 pm	8
Thursday	3 pm - 4 pm	8
Thursday	4 pm - 5 pm	6
Thursday	5 pm - 6 pm	6
Thursday	6 pm - 7 pm	6
Friday	8 am - 9 am	6
Friday	9 am - 10 am	6
Friday	10 am - 11 am	6
Friday	11 am - 12 pm	6
Friday	12 pm - 1 pm	6

Performance Enhancement Professionals - Trip Generation Comparsion (Based on Future Expectations)

Friday	1 pm - 2 pm	6
Friday	2 pm - 3 pm	8
Friday	3 pm - 4 pm	8
Friday	4 pm - 5 pm	6
Friday	5 pm - 6 pm	6
Friday	6 pm - 7 pm	6
Saturday	8 am - 9 am	6
Saturday	9 am - 10 am	6
Saturday	10 am - 11 am	6
Saturday	11 am - 12 pm	6
Saturday	12 pm - 1 pm	6
Saturday	1 pm - 2 pm	6
Saturday	2 pm - 3 pm	8
Saturday	3 pm - 4 pm	8
Saturday	4 pm - 5 pm	6
Saturday	5 pm - 6 pm	6
Saturday	6 pm - 7 pm	6
Sunday	8 am - 9 am	6
Sunday	9 am - 10 am	6
Sunday	10 am - 11 am	6
Sunday	11 am - 12 pm	6
Sunday	12 pm - 1 pm	6
Sunday	1 pm - 2 pm	6
Sunday	2 pm - 3 pm	8
Sunday	3 pm - 4 pm	8
Sunday	4 pm - 5 pm	6
Sunday	5 pm - 6 pm	6
Sunday	6 pm - 7 pm	6

Parking Analysis
(For ALL of the McCormick Ranch Commerce Center)

Suite	Use	Square Feet	Parking Ratio	Parking Required
100	Office	3241	1 space / 300 sf	10.80
200	Health Studio	3199	1 space / 150 sf	21.33
300	Office	3204	1 space / 300 sf	10.68
400	Office Warehouse	3111	1 space / 800 sf	3.89
500	Office	3079	1 space / 300 sf	10.26
600	Office Warehouse	3053	1 space / 800 sf	3.82
700	Manufacturing	3053	1 space / 500 sf	6.11
800	Office Warehouse	3108	1 space / 800 sf	3.89
900	Office Warehouse	3619	1 space / 800 sf	4.52
1000	Office Warehouse	13804	1 space / 800 sf	17.26
SUM Parking Required				93
SUM Parking Provided				96
				Parking Adequate

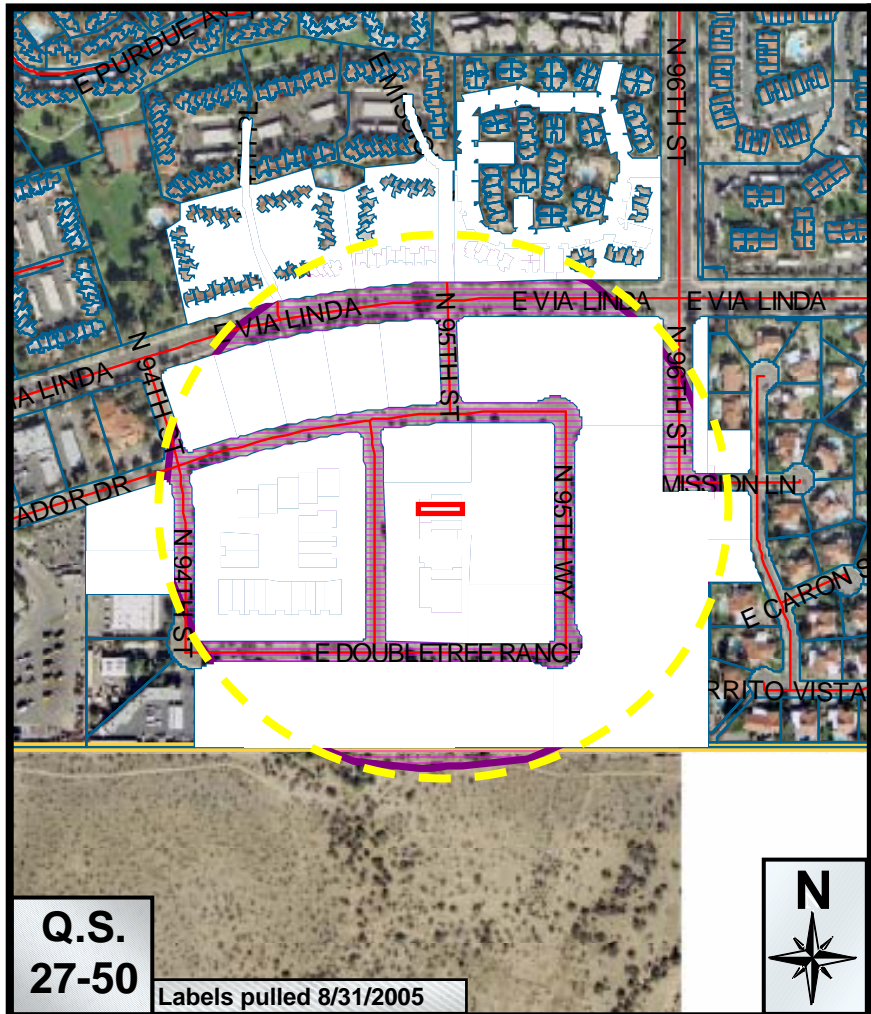
Performance Enhancement Professionals
Health Studio (19-UP-2005)
Citizen Involvement
Attachment #8

The above attachments are on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

Performance Enhancement Professionals
Health Studio (19-UP-2005)
Correspondence
Attachment #9

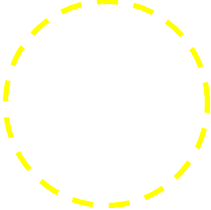
The above attachments are on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

City Notifications – Mailing List Selection Map



Map Legend:

 Site Boundary

 Properties within 750-feet

Additional Notifications:

- Interested Parties
- Adjacent HOAs

Performance Enhancement
Professionals

19-UP-2005

ATTACHMENT #10

5/4 CORNER SECTION 30
T.34N. R.5E.

58°55'05"W 1973.15'

58°55'05"W 1973.15'

5/4 CORNER SECTION 30
T.34N. R.5E.

UNITS ELEVATION SCHEDULE			
UNIT NO.	FLOOR	OFFICE CEILING ELEV.	WAREHOUSE CEILING ELEV.
100	1352.09	1362.09	1370.09
200	1352.09	1362.09	1370.09
300	1352.09	1362.09	1370.09
400	1352.09	1362.09	1370.09
500	1352.09	1362.09	1370.09
600	1352.09	1362.09	1370.09
700	1352.09	1362.09	1370.09
800	1352.09	1362.09	1370.09
900	1352.09	1362.09	1370.09
1000	1352.09	1362.09	1370.09

LEGEND

- INDICATES CORNER OF PARCEL
- FOUND "A" REBAR UNLESS OTHERWISE INDICATED
- INDICATES RIGHT-OF-WAY AND PARCEL BOUNDARY LINES
- INDICATES BOUNDARY OUTLINE OF INDUSTRIAL UNITS
- INDICATES PLANE OF OUTSIDE WALL SURFACE
- INDICATES INDUSTRIAL UNIT IDENTIFICATION NUMBER
- INDICATES PARKING SPACE NUMBER
- INDICATES PUBLIC UTILITIES EASEMENT
- INDICATES RECORD
- INDICATES MEASURED
- INDICATES ROOM
- INDICATES PAGE
- INDICATES MARICOPA COUNTY RECORDS

NOTE:
COMMON AREAS AS SHOWN ARE UNSUBDIVIDED PROPERTY
SUBJECT TO USES & MAINTENANCE ACCORDING TO THE C.C. & R.S.

- DIMENSIONING NOTES:
1. ALL ANGLES OF THE BUILDING ARE 90° UNLESS OTHERWISE SPECIFIED.
 2. ALL BUILDING TIES ARE PERPENDICULAR TO THE PROPERTY LINE OR RIGHT-OF-WAY.

CONDOMINIUM MAP

SHEET 2 OF 2



RICK ENGINEERING COMPANY
850 NORTH 6TH STREET
PHOENIX, ARIZONA 85006

DATE: 18-MAY-2004

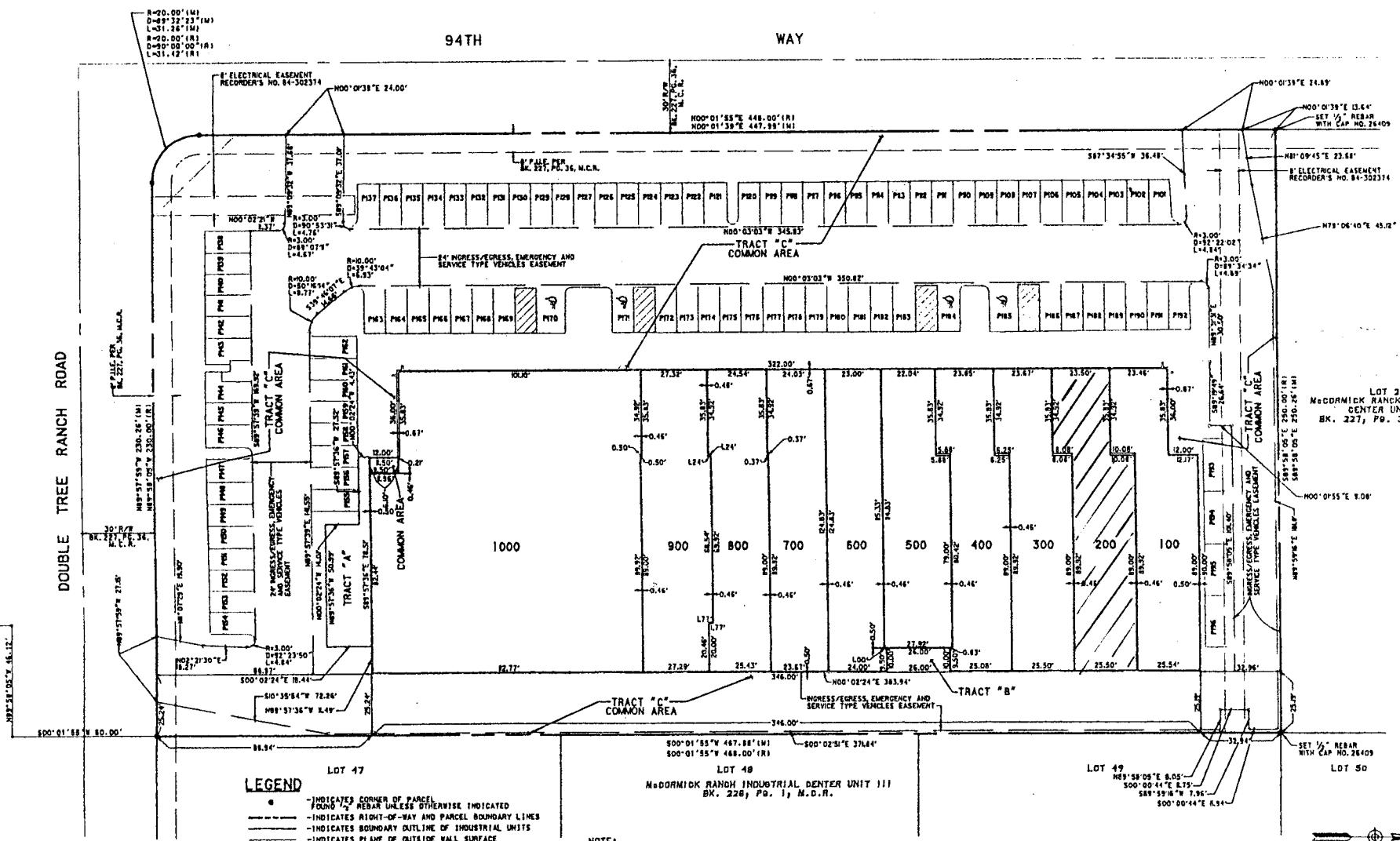
PROJECT NO.
2993

DOUBLE TREE RANCH ROAD

94TH

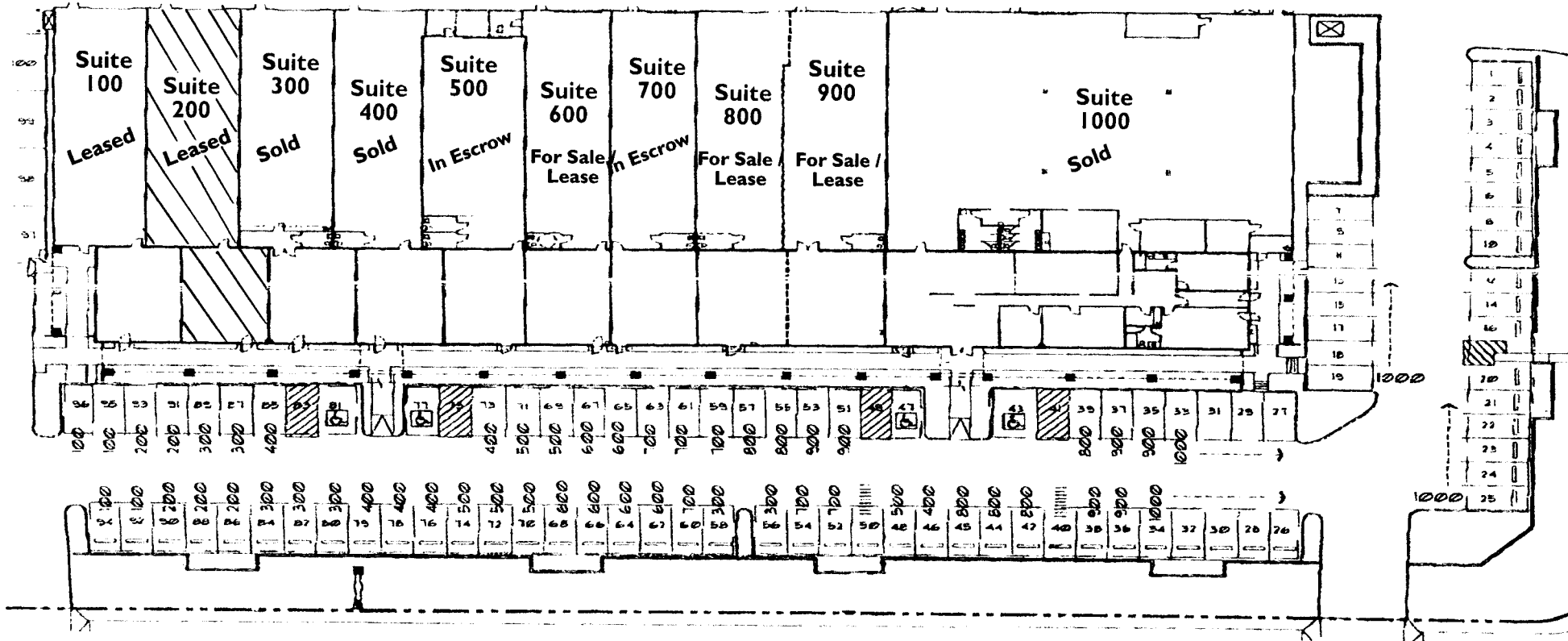
WAY

AMENDED McCORMICK RANCH COMMERCE CENTER



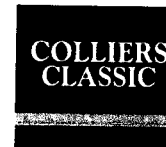
McCormick Ranch Commerce Center

9325 N. 94th Way • Scottsdale, Arizona



Suite #	Office Sq. Ft.	Warehouse Sq. Ft.	Total * Sq. Ft.	Purchase Price	Status	Parking
100	877 ±	2,364 ±	3,241 ±	\$389,000	Leased	
200	863 ±	2,336 ±	3,199 ±	\$383,000	Leased	
300	1,758 ±	1,446 ±	3,204 ±	Sold	Sold	
400	876 ±	2,235 ±	3,111 ±	Sold	Sold	
500	810 ±	2,269 ±	3,079 ±	In Escrow	In Escrow	
600	869 ±	2,184 ±	3,053 ±	\$366,000	For Lease / Sale	6
700	883 ±	2,170 ±	3,053 ±	\$351,095	In Escrow	
800	901 ±	2,207 ±	3,108 ±	\$372,000	For Lease / Sale	6
900	1,001 ±	2,618 ±	3,619 ±	\$434,000	For Lease / Sale	6
1000	8,504 ±	5,300 ±	13,804 ±	Sold	Sold	
			42,471 ±			

Not to Scale

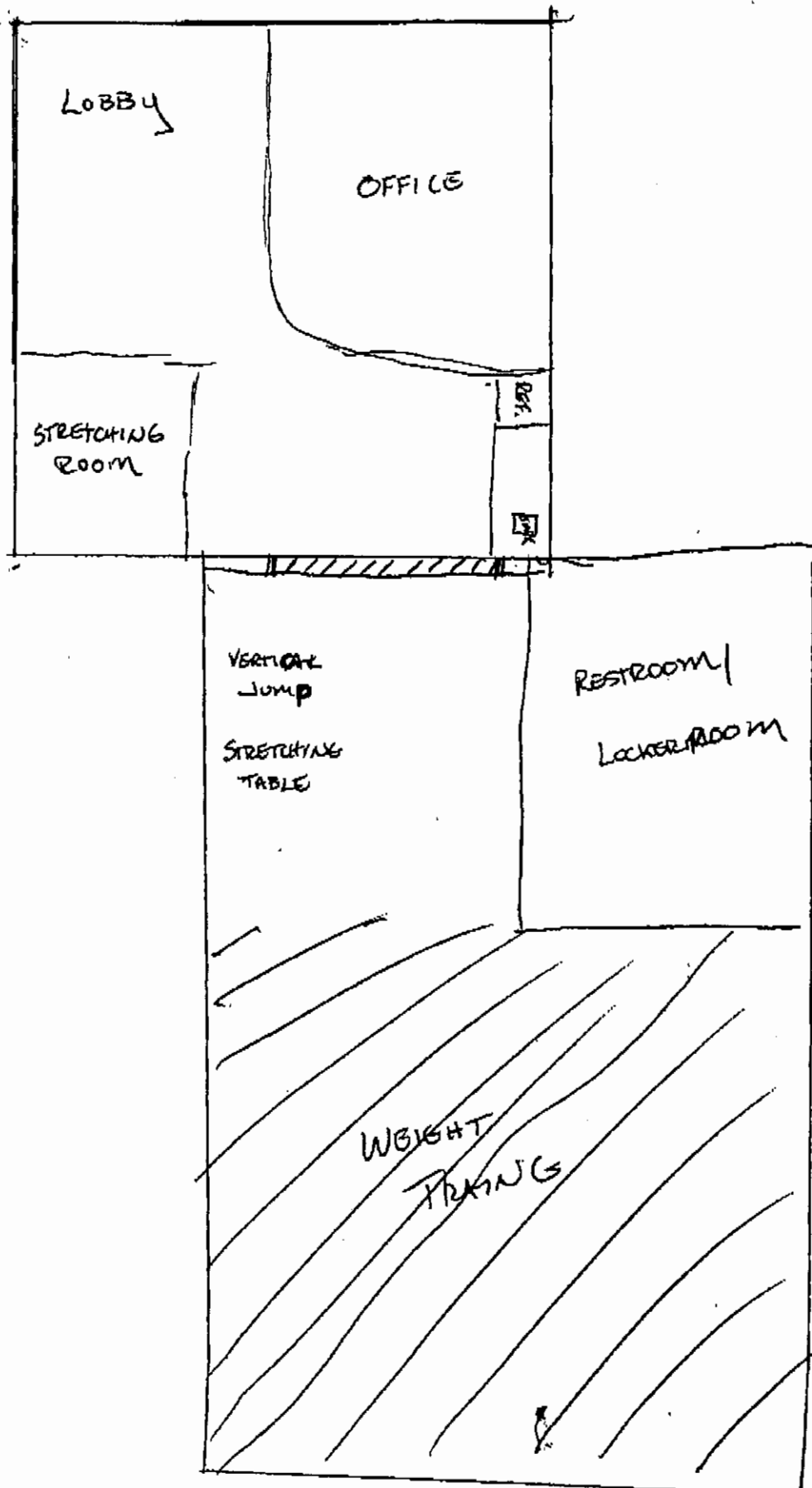


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* Subject to change until final recorded plat.

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FLOOR PLAN